



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable H. W. Pitman  
County Auditor  
Fayette County  
LaGrange, Texas

Dear Sir:

This Opinion  
Overrules Opinion  
#0-2407

Opinion No. 0-5099  
Re: Neither county nor county  
officials are required to  
pay recording fees to the  
county clerk for recording  
county officials' bonds.

Your request for opinion upon the following stated  
questions:

"1. Are the various County Officials of  
Fayette County, such as the Tax Assessor-Collec-  
tor, Sheriff, County Attorney, District Clerk  
and Treasurer legally liable to the County Clerk  
for the recording of their respective official  
bond after said bonds have been approved by the  
Commissioners' Court?

"2. If the respective County Officials  
are not liable to the County Clerk for the re-  
cording of said Officials' bonds, then is the  
County liable, or is the County Clerk required  
to record such bonds under his Ex-Officio com-  
pensation?"

has been received and carefully considered by this department.

Article 6000, Vernon's Annotated Texas Civil Stat-  
utes, reads as follows:

"All officials bonds of county officers  
that are required by law to be approved by the  
commissioners court, and which have been so ap-  
proved, shall be made payable to the county

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judge and safely kept and recorded by the county clerk in a book kept for that purpose."

Honorable R. V. Davidson, Attorney General of Texas, on December 12, 1906, construed Article 3575 of the Revised Civil Statutes of 1895, which is almost identical with Article 6000, V. A. C. S., and held that neither a county officer nor the county was liable to the county clerk for recording the official bond of a county officer and that it was the duty of the clerk to record the officials' bonds without charging any fees therefor. See Opinions of the Attorney General of Texas, 1906-08-10, pages 370-1.

The recording of the official bonds inquired about are not for the benefit of the individual officers but are for the public benefit and it is the statutory duty of the clerk under Article 6000, V. A. C. S., supra, to keep and record all official bonds of county officials which have been approved by the commissioners' court in requirement of law. The statute does not prescribe any fee to the clerk for performing this service.

We answer your first question in the negative.

In answer to your second question, it is our opinion that the county is not liable to the clerk for any recording fees and that it is the mandatory duty of the clerk to record said official bonds without charging any fee therefor. The county clerk of Fayette County is under the Officers' Salary Law and of course receives a regular salary but does not receive any "Ex-officio compensation."

Opinion No. 0-2409 of this department is overruled only insofar as it conflicts with this holding.

APPROVED FEB 26, 1943

FIRST ASSISTANT  
ATTORNEY GENERAL

VJF:db

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*  
Wm. J. Fanning  
Assistant

